

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 220 OF 2017

1. Suryabhan Ramkumar MauryaApplicants
2. Guddi Suryabhan Maurya
3. Anand Lalsaheb Singh

V/s.

The State of MaharashtraRespondent

Mr. K. T. Buba i/b Mr. Sachin P. Borhade Advocate for the Applicants.
Ms. Veera Shinde APP for the State.
Mr. V. L. Kadam, API, Kalwa Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 21st MARCH, 2017.

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicants herein are apprehending their arrest in crime no. 438 of 2016 registered at Kalwa Police Station for offence punishable under sections 307, 452, 326, 324, 323 of the Indian Penal Code.

2) It is the case of the prosecution that on 25/12/2016, Ramsaran Maurya lodged a report at the police station alleging therein that on 23/12/2016,

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present applicants had a trifling quarrel. His son Sonu had intervened and had pacified. According to the complainant, on 24/12/2016, applicants had gone to his house. Applicants had committed criminal trespass and had assaulted his son Sonu, his brother Lachiram and his wife Sangita with deadly weapons. On the basis of the said report, crime no. 438 of 2016 was registered.

3) It is pertinent to note that at about some time, applicant Suryabhan had also lodged F.I.R. at the police station about the same incident in which he and two others were injured at the hands of Ramsaran Maurya. It was admitted that a trifling quarrel had taken place. That Ramsaran Maurya had been to his house and had picked up a quarrel with him and had assaulted him. On the basis of the said report crime no. 439 of 2016 is registered against the complainant and others.

4) Perused papers of investigation. It is apparent that both parties are injured in the said incident. Perused the statement of wife of Ramsaran Maurya recorded under section 164 of Code of Criminal Procedure, 1973. She has also admitted that there was a quarrel on the earlier day. She had informed

her husband about the same. On 24/12/2016, her husband and others had been to the house of the applicants and there was a quarrel in the house of the applicant. It is a cross case. That the scene of offence panchanama also shows that the incident had occurred in the house of the applicant.

5) Taking into consideration the material collected in the course of investigation and the submissions advanced across the bar, this Court is of the opinion that applicants deserve to be granted pre-arrest bail. However, it is made clear that observations made herein above are *prima facie* in nature and are restricted to an application under section 438 of the Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicants be enlarged on bail on furnishing P.R. bond in the sum of Rs. 15,000/- each with one or two sureties in the like amount.
- (iii) Applicants shall report to the concerned police station on on

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26/03/2017 to 28/03/2017 everyday between 10.30 a.m. to 01.00 p.m.

(iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)